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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DAVID HOUGH; *et al.*

Plaintiffs,

vs.

RYAN CARROLL; *et al.*

Defendants.

Case No.: 2:24-cv-02886-WLH

**DECLARATION OF NICO BANKS  
SUPPORTING PLAINTIFFS'  
OPPOSITION TO MOTION TO  
QUASH**

Hearing: July 12, 2024, 1:30 pm  
Presiding Judge: (Unknown; the Motion  
is directed to District Judge Hsu, but  
discovery motions are typically routed  
to Magistrate Judge Kim)  
Trial Date: N/A

**DECLARATION OF NICO BANKS SUPPORTING PLAINTIFFS'  
OPPOSITION TO MOTION TO QUASH**

I, Nico Banks, have personal knowledge of the matters set forth below and if called to testify, I would do so competently.

1. I am an attorney representing Plaintiffs in this matter.

2. Exhibit A is a true and correct copy of a letter I received via from William Shipley, counsel for Jurisdictional Defendants.
3. Exhibit B is a true and correct copy of an email thread consisting of emails that I exchanged with counsel for Jurisdictional Defendants.

I declare under penalty of perjury that the foregoing is true and correct.

/s/Nico Banks

Dated: June 21, 2024

/S/ Nico Banks

Nico Banks (CA SBN:344705)

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*Attorneys for Plaintiffs*

# EXHIBIT A

**William Shibley**

562.716.4040

william@lloydmousilli.com

May 29, 2024

**Via Electronic Mail**

Nico Banks  
Banks Law Office  
712 H St. NE,  
Unit #8571,  
Washington, DC 20002  
[nico@bankslawoffice.com](mailto:nico@bankslawoffice.com)

**Re: Your subpoenas**

Mr. Banks,

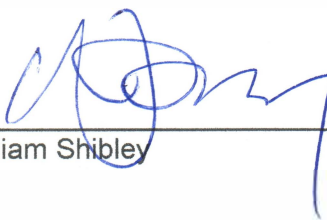
On May 1, 2024 the court entered an order which in pertinent part provides, "Plaintiffs are given leave to issue subpoenas to third-party financial institutions, requiring those institutions to produce account statements dating back to May of 2022, for any accounts that are required to be identified. . . ."

The subpoenas that you have propounded greatly exceed that which you were authorized to obtain.

Will you agree to amend those subpoenas to conform to the court's order? If not please consider this letter our offer to meet and confer prior to our seeking the court's assistance in limiting those subpoenas.

Sincerely,,

Lloyd & Mousilli  
Attorneys at Law

  
William Shibley

# EXHIBIT B



Nico Banks &lt;nico@bankslawoffice.com&gt;

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**Re: service of new and modified subpoenas**

1 message

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**Nico Banks** <nico@bankslawoffice.com>

Thu, May 30, 2024 at 12:01 PM

To: William Shibley &lt;william@lloydmousilli.com&gt;

Cc: Allauna Gluski &lt;allauna@lloydmousilli.com&gt;, Feras Mousilli &lt;feras@lloydmousilli.com&gt;, Litigation

&lt;litigation@lloydmousilli.com&gt;, Megan Weiss &lt;megan@lloydmousilli.com&gt;, Rachel Crockett &lt;rachel@lloydmousilli.com&gt;,"richard nerviglaw.com" &lt;richard@nerviglaw.com&gt;

The subsequent subpoena expressly says "This subpoena supersedes the prior subpoena issued to you in this matter" -- that seems like an effective withdrawal to me.

Your position that we cannot rely on the court's instruction regarding subpoenas on the record in open court is frivolous.

If you still want to file a motion, please do so.

Nico Banks, Esq.

Banks Law Office, P.C.

Pronouns: he/him

Tel.: 971-678-0036

712 H St NE,

Unit #8571,

Washington, DC 20002

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On Thu, May 30, 2024 at 11:13 AM William Shibley <william@lloydmousilli.com> wrote:

Nico,

If the new subpoenas replace the old, then the previous ones should be withdrawn, and if we have to seek court intervention on that issue, we will seek our attorneys fees and costs.

There is no prior order concerning the expedited discovery you are attempting to obtain, your subpoenas still exceed what was allowed on the authorized expedited discovery order of May 1. There is no other order in effect.

William Shibley

On Thu, May 30, 2024 at 2:57 AM Nico Banks <nico@bankslawoffice.com> wrote:

#1461

No, I have not. As I said before, we addressed this issue at the prior hearing on the record, and in any case you do not have standing to object to subpoenas.

Are you okay with the subsequent subpoenas but not the original subpoenas? If so, I guess I could send the subsequent subpoenas to the few entities I haven't yet sent it to (note that the subsequent subpoenas say that they replace the original subpoenas).

To be clear I don't think there's any reasonable dispute here; I'm just trying to avoid more motion practice if we can.

Nico Banks, Esq.  
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On Thu, May 30, 2024 at 3:03 AM William Shibley <[william@lloydmousilli.com](mailto:william@lloydmousilli.com)> wrote:

Nico,

I would like you to confirm that you have withdrawn the original subpoenas and that you have notified the subpoenaed entities that the original subpoenas have been withdrawn.

William Shibley

On Wed, May 29, 2024 at 9:07 AM Nico Banks <[nico@bankslawoffice.com](mailto:nico@bankslawoffice.com)> wrote:

Hello,

At the link below, please find new subpoenas that will be served in this matter. Most of these just modify already-issued subpoenas. The document titled "... attachment to all subpoenas" is the attachment to all the subpoenas.

[2024.05.29 new subpoenas](#)

Thanks,

Nico Banks, Esq.

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#1462  
prohibited. If you have received this email in error, please notify the sender by replying to this message and permanently delete this e-mail, its attachments, and any copies of it immediately. You should not retain, copy or use this e-mail or any attachment for any purpose, nor disclose all or any part of the contents to any other person. Thank you.

On Wed, May 29, 2024 at 8:42 AM Nico Banks <[nico@bankslawoffice.com](mailto:nico@bankslawoffice.com)> wrote:

Please always copy Mr. Nervig on emails.

We discussed this matter on the record at the prior hearing. I told the court I'd like to issue subpoenas to find defendants' assets that went beyond that May 1 order because some of the assets weren't with banks that issue account statements, and were instead with other non-financial entities like Amazon. The court said that was fine and that the purpose of the order was to make sure all assets were on the table. Also, I don't believe you have standing to object to subpoenas. But, if there's something specific you're concerned about, I'm willing to discuss it further.

Thanks,

Nico Banks, Esq.

Banks Law Office, P.C.

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On Wed, May 29, 2024 at 3:36 AM William Shibley <[william@lloydmousilli.com](mailto:william@lloydmousilli.com)> wrote:

Nico,

See my attached request to modify your subpoenas to conform to the court's May 1 order.

William Shibley